

The Honorable Tana Lin
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF, et al.)	
)	No. 2:24-cv-00343-TL
Plaintiff,)	
v.)	SHORELINE AND KING COUNTY
)	DEFENDANTS' OPPOSITION TO
CITY OF SHORELINE, et al.,)	EMERGENCY REQUEST TO STAY
)	
Defendants.)	<i>Noted for October 23, 2024</i>
)	

Plaintiff Benshoof filed this lawsuit on March 11, 2024. Dkt. 14.¹ Benshoof was granted in forma pauperis status. Dkt. 13. Defendants King County, Deputy Akers, and Thompson (hereinafter "King County Defendants") answered the complaint on May 31, 2024. Dkt. 27. Defendant City of Shoreline answered the complaint on July 1, 2024. Dkt. 46. Defendants Town & County Markets and Fagan filed a motion to dismiss pursuant to FRCP 12(b) that was renoted by this Court for September 30, 2024. Dkt. 43, 57. Defendant Shoreline and King County Defendants filed a motion to dismiss pursuant to FRCP 12(c) on August 30, 2024, which was noted for September 30, 2024. Dkt. 59.

In July, Benshoof was arrested and remains in jail in King County pending various criminal charges in Seattle Municipal Court and King County Superior Court. Dkt 62. In an 11-page

¹ Plaintiff Gage has been dismissed from this lawsuit by this Court for failure to prosecute after she failed to respond to the Court's Order to Show Cause. Dkts. 56, 63.

1 handwritten motion citing legal authority, Benshoof moved to stay this matter indefinitely until he
2 is released from jail. *Id.* Shoreline and King County Defendants opposed the stay, as did the other
3 defendants. Dkts. 64, 65. On October 2, 2024, Benshoof filed a new “emergency” motion to stay.
4 Dkt. 67.

5 While the new pleading purports to contain Benshoof’s signature, it also purports to have
6 been drafted and is signed by a person named Urve Maggitti, who does not appear to be a licensed
7 attorney and apparently lives in Pennsylvania. Washington law prohibits the unauthorized practice
8 of law. Rev. Code of Wash. § 2.48.180. A person that prepares legal forms is practicing law. *State*
9 *v. Hunt*, 75 Wash. App. 795, 802, 880 P.2d 96 (1994). Courts generally strike pleadings filed by
10 individuals engaged in the unauthorized practice of law. *See e.g. Seco v. Homestead Apartments*,
11 2024 WL 3566592, at *1 (W.D. Wash. July 29, 2024) (collecting cases). To the extent that the
12 emergency request to stay has been prepared and filed by a person not authorized to practice law,
13 it should be stricken.


14 To the extent that the emergency request can be considered to have been prepared and filed
15 by Benshoof himself, it should be denied for the reasons previously set forth in Shoreline and King
16 County Defendants’ opposition to the previous motion to stay. An indefinite stay of the
17 proceedings would be prejudicial to the defendants and there is no basis to stay this lawsuit
18 indefinitely. Moreover, the emergency request primarily presents irrelevant arguments challenging
19 the state and municipal criminal charges currently pending against Benshoof. While the motion
20 states that Benshoof has no access to a computer, the internet or email, Benshoof has since filed a
21 notice of electronic registration with a new email address. Dkt. 68. Thus, it is unclear whether his
22 previous assertion that he has no access to a computer, internet or email remains true.
23

1 This Court renoted Town and Country's motion to dismiss for September 30, giving
 2 Benshoof an additional two months to respond. Benshoof has not requested any further reasonable
 3 extension of time to respond. Benshoof has filed substantive pleadings in other federal civil cases
 4 in that period. *See e.g. Benshoof v. Admon, et al.*, 2:23-cv-1392-JNW, Dkts. 262, 263; *Benshoof v.*
 5 *Warden*, 2:24-cv-1110-JNW-SKV, Dkt. 20. Staying this case indefinitely is not warranted and
 6 would prejudice Defendants' rights. Benshoof's emergency request for a stay should be denied.

7 *I certify that this Memorandum contains 570 words in compliance with Local Civil Rules.*

8 DATED this 16th day of October, 2024.

9 LEESA MANION (she/her)
 10 King County Prosecuting Attorney

11 By: 
 12 ANN SUMMERS, WSBA #21509
 13 Senior Deputy Prosecuting Attorney
 14 Attorneys for Defendants Shoreline & King County
 15 701 5th Avenue, Suite 600
 16 Seattle, WA 98104
 17 Phone: (206) 477-1120/Fax: (206) 296-0191
 18 ann.summers@kingcounty.gov

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on October 16, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send automatic notification to the following:


Kurt A. Benshoof
kurtbenshoof1@gmail.com
Pro Se Plaintiff

I also hereby certify that on October 16, 2024, I sent the same via US Postal Service to the following:

Kurt A. Benshoof
B/A 2024-008067
King County Correctional Facility
500 Fifth Ave.
Seattle, WA 98104

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 16th day of October, 2024.


RAFAEL A. MUNOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office